

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

May 12, 2003

- C029964 THE PEOPLE v. GRAVES (Not for Publication)**
The judgment is affirmed.
BLEASE, J.
I concur: Scotland, P.J.
I concur in the result:
Callahan, J.
- C038306 THE PEOPLE v. GRIFFITH (Not for Publication)**
Defendant's conviction on count I is modified... So modified, the judgment is affirmed. The cause is remanded to the trial court for the purpose of resentencing defendant in accordance with the modified judgment. Following resentencing, the clerk of the court shall forward a copy of the new abstract of judgment to the Department of Corrections.
CALLAHAN, J.
We concur: Sims, Acting P.J.
Davis, J.
- C040026 THE PEOPLE v. COPPAGE (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Scotland, P.J.
Callahan, J.
- C040352 THE PEOPLE v. TERCERO-ARANDA (Not for Publication)**
The motion to augment the record on appeal is denied. The appeals from the orders denying the petitions for habeas corpus and writ of error *coram nobis* are dismissed.
CALLAHAN, J.
We concur: Scotland, P.J.
Hull, J.
- C040771 THE PEOPLE v. AIRONS (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Blease, Acting P.J.
Kolkey, J.
- C035266 HANES v. WORKING et al. (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Nicholson, J.
Hull, J.

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The Minutes

May 13, 2003

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| C027927 | THE PEOPLE v. TRAN et al.
The judgments are affirmed.
KOLKEY, J.
We concur: Scotland, P.J.
Callahan, J. | (Not for Publication) |
| C038924 | THE PEOPLE v. VALDEZ
The judgment is affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
Morrison, J. | (Not for Publication) |
| C039194 | THE PEOPLE v. HINES
The judgment and sentence for false imprisonment (§ 210.5) is reversed.
In all other respects the judgment is affirmed. The trial court shall modify the record accordingly.
BLEASE, Acting P.J.
We concur: Sims, J.
Raye, J. | (Not for Publication) |
| C039365 | THE PEOPLE v. FIELDER
The judgment is affirmed.
ROBIE, J.
We concur: Scotland, P.J.
Sims, J. | (Not for Publication) |
| C039475 | THE PEOPLE v. BERGEY
The judgment is affirmed.
HULL, J.
We concur: Scotland, P.J.
Callahan, J. | (Not for Publication) |
| C039870 | THE PEOPLE v. NORMAN
The judgment is affirmed.
ROBIE, J.
We concur: Scotland, P.J.
Sims, J. | (Not for Publication) |
| C041834 | THE PEOPLE v. XIONG
The judgment is affirmed.
Callahan, J.
We concur: Nicholson, Acting P.J.
Raye, J. | (Not for Publication) |

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The Minutes

May 13, 2003, continued

- C038904 SPOTH v. SILTANEN and KORHONEN (Not for Publication)**
The judgment (order) is affirmed. Siltanen is awarded his costs on appeal.
HULL, J.
We concur: Callahan, Acting P.J.
Robie, J.
- C039212 ASPENLIND et al. v. WALLACE et al.
BOYLE et al. v. DAVIDSON, et al.
HILL v. BOYLE et al. (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Nicholson, Acting P.J.
Callahan, J.
- C040639 PARKLAND HOMES, INC. v. STEAGALL et al. (Not for Publication)**
The judgment (order) is affirmed.
BLEASE, Acting P.J.
We concur: Callahan, J.
Robie, J.
- C040346 In re T.P. et al.; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY v.
JENNIFER P. (Not for Publication)**
The juvenile court's order is affirmed.
HULL, J.
We concur: Scotland, P.J.
Kolkey, J.
- C043143 GOLFLAND ENTERTAINMENT CENTERS, INC. v. THE SUPERIOR COURT
OF SAN JOAQUIN COUNTY and NUNEZ, etc., et al. (Certified for Publication)**
Let a peremptory writ of mandate issue, directing the trial court to vacate those portions of its December 9, 2002, order providing for the presence of counsel and a court reporter at the examination, and for the stenographic recording of only David's oral responses, and commanding the trial court to enter a new and different order providing that neither counsel nor a court reporter shall be present at the examination, and that the entire examination shall be recorded on audio tape by Dr. Epperson. The court shall also modify, in the manner stated in the opinion, that portion of its December 9, 2002, order prohibiting Dr. Epperson from eliciting narrative responses from David Nunez. In all other respects, the trial court's December 9, 2002, order is undisturbed. The stay of proceedings in the trial court is dissolved. Petitioner shall recover its costs.
SIMS, Acting P.J.
We concur: Raye, J.
Kolkey, J.

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STATE OF CALIFORNIA
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The Minutes

May 14, 2003

C040186 THE PEOPLE v. REILLY (Not for Publication)

The judgment is affirmed.

Sims, J.

We concur: Blease, Acting P.J.

Raye, J.

C041126 THE PEOPLE v. STURGIS (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Sims, J.

Robie, J.

C041134 THE PEOPLE v. WILSON (Not for Publication)

The judgment (order of probation) is affirmed.

ROBIE, J.

We concur: Blease, Acting P.J.

Hull, J.

C041171 THE PEOPLE v. COPES (Not for Publication)

The judgment is affirmed.

SIMS, J.

We concur: Scotland, P.J.

Robie, J.

May 14, 2003, continued

C041768 THE PEOPLE v. RITCHIE (Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We concur: Raye, J.

Kolkey, J.

C042086 THE PEOPLE v. LUTZ (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Sims, J.

Robie, J.

C040122 SOBEK v. GAUGHAN et al. (Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Blease, Acting P.J.

Sims, J.

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The Minutes

May 14, 2003, continued

C041520 LOMELI v. DEPARTMENT OF CORRECTIONS and STATE PERSONNEL BOARD (Certified for Publication)

The judgment is affirmed. Lomeli shall recover his costs on appeal.

SIMS, Acting P.J.

We concur: Callahan, J.

Hull, J.

C042581 In re T.T.; PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. LISA T. (Not for Publication)

The juvenile court's orders are affirmed.

SCOTLAND, P.J.

We concur: Raye, J.

Robie, J.

May 15, 2003

C038853 THE PEOPLE v. BURNS, JR. (Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Scotland, P.J.

Robie, J.

C038965 THE PEOPLE v. ROGERS (Not for Publication)

The judgment is affirmed.

RAYE, J.

I concur: Blease, Acting P.J.

I concur in the opinion except for part III, where I concur in the result.

Sims, J.

C039127 THE PEOPLE v. BROWNLEE (Not for Publication)

The judgment is affirmed. The superior court is directed to correct the minute order and order of probation to show that defendant was convicted of section 236 as a misdemeanor in counts 3, 5, 7, 9, and 11 and of section 273a, subdivision (b), in counts 4, 6, 8, 10, and 12.

SCOTLAND, P.J.

We concur: Callahan, J.

Robie, J.

C039619 THE PEOPLE v. DIXON (Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Blease, Acting P.J.

Sims, J.

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The Minutes

May 15, 2003, continued

- C039697 THE PEOPLE v. WARNER (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
NICHOLSON, J.
We concur: Davis, Acting P.J.
Hull, J.
- C040610 THE PEOPLE v. MAGGARD (Not for Publication)**
The judgment is affirmed.
CALLAHAN, J.
I concur: Hull, J.
I concur in the opinion.
I write separately to commend the learned trial judge for his excellent handling of this case.
Sims, Acting P.J.
- C042314 THE PEOPLE v. JIMENEZ (Not for Publication)**
The trial court is directed to correct the minute order and order of probation, deleting the condition requiring defendant to register as a narcotics offender. The order or probation is affirmed.
NICHOLSON, J.
We concur: Davis, Acting P.J.
Hull, J.
- C038799 THE PEOPLE v. SAVIDGE**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.
- C039716 BROOKS v. STEARNS**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

May 16, 2003

- C039370 THE PEOPLE v. GILMORE (Not for Publication)**
The judgment is affirmed.
CALLAHAN, J.
We concur: Nicholson, Acting P.J.
Hull, J.

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The Minutes

May 16, 2003, continued

- C039389 THE PEOPLE v. SKAHILL (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Scotland, P.J.
Callahan, J.
- C040767 THE PEOPLE v. DUKE (Not for Publication)**
The appeal is dismissed. The trial court is directed to prepare a corrected abstract of judgment to reflect that the five-year enhancement was imposed pursuant to section 667, subdivision (a), and to forward a certified copy to the Department of Corrections.
NICHOLSON, Acting P.J.
We concur: Raye, J.
Callahan, J.
- C040999 THE PEOPLE v. HINDS (Certified for Publication)**
The judgment is affirmed. *(CERTIFIED FOR PUBLICATION)*
NICHOLSON, J.
We concur: Davis, Acting P.J.
HULL, J.
- C042180 THE PEOPLE v. LIND (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting these modifications and reflecting the imposition of the \$75 drug program fee, along with state and county penalty assessments totaling \$131 (Health & Saf. Code, § 11372.7; Pen. Code, § 1464, subd. (a); Gov. Code, § 76000, subd. (a)) and forward a certified copy of the amended abstract to the Department of Corrections.
DAVIS, J.
We concur: Scotland, P.J.
Callahan, J.
- C042974 THE PEOPLE v. ADAMS (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We concur: Scotland, P.J.
Callahan, J.

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The Minutes

May 16, 2003, continued

C038577 OAK CREEKS ESTATES v. TOWN OF PARADISE et al.
C039424 OAK CREEKS ESTATES v. TOWN OF PARADISE et al.

(Not for Publication)

The judgment is reversed, and the trial court is directed to recall the peremptory writ of administrative mandate. The order granting defendants' motion for summary adjudication is reversed, and the trial court is directed to enter a new order denying that motion. Town's appeal from the postjudgment order (Case No. C039424) is dismissed as moot. The matter is remanded to the trial court for further proceedings. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a).)

ROBIE, J.

I concur: Callahan, J.

I concur in the result, but disagree with the majority's analysis...

I therefore concur in the majority's conclusion. Fortunately, the analytical conundrum posed by this case will not recur given the Legislature's clarifying amendments to the PSA. In my view, the amendments merely confirm what was already the law.

Raye, J.

C039883 TOWERS et al. v. THORNTON et al. (Not for Publication)

The judgment is affirmed. Defendants are awarded costs on appeal.

NICHOLSON, J.

We concur: Scotland, P.J.

Callahan, J.

C039902 MIRANDA v. EAST STAR DAIRY, INC. (Not for Publication)

The purported appeal from the order denying a new trial is dismissed (see fn. 2, *ante*). The order denying the motion to vacate judgment and the judgment are affirmed. Miranda's motion for sanctions is denied. Miranda shall recover costs on appeal.

CALLAHAN, J.

We concur: Scotland, P.J.

Davis, J.

**COURT OF APPEAL
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The Minutes

May 16, 2003, continued

**C042536 In re A.K.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES v. R.L.
(Not for Publication)**

The order of the juvenile court terminating the parental rights of appellant is reversed, and the matter is remanded to the juvenile court with directions to order DSS to provide each of the three Cherokee and the eight Apache tribes with proper notice of the proceedings under the Act. If, after receiving notice under the Act, no tribe indicates the minor is an Indian child within the meaning of the Act, then the juvenile court shall reinstate the order terminating parental rights without conducting a new evidentiary hearing pursuant to section 366.26. If, on the other hand, a tribe responds affirmatively, then the court must consider the issue at a new section 366.26 hearing and conduct the hearing pursuant to the procedural and evidentiary requirements of the Act.

In all other respects, the order is affirmed.

RAYE, J.

I concur: Robie, J.

I concur fully except as to part I, in which I concur in the result.

Scotland, P.J.

**C038500 THE PEOPLE v. WILSON
BY THE COURT:**

Appellant's petition for rehearing is denied.

SIMS, Acting P.J.